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10/002,589	12/05/2001	Stephen C. Heinrichs	SCH 102	4260

7590

12/24/2003

William Weigl
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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,589

Applicant(s)

HEINRICHS, STEPHEN C.

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." However, the references (of U.S. Patents 6,062,173 and 5,540,188) listed have been cited by the examiner on form PTO-892, they have been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "12b" "12b" (in Fig. 5, see page 7, line 3), "14c" "14c" (in Fig. 6, see page 7, line 10), "14", and "14c". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the ratio length of first and second loops is 2:1 and 6:1" (claim 12); "4:1" (claim 14); "6:1" (claim 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for “the belting of all of said loops” (claim 3, line 1).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,2,4-6, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (4,045,072).

Brown (4,045,072) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (33), a pair of first loops (31A-E) (Fig. 2) equal length extending outwardly in a first direction from the central area, and a pair of second loops (see Fig. 2) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4-6 and 18, Brown's strap (4,045,072) shows a first continuous strap having one first loop and one second loop and a second continuous strap having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

8. Claims 1,2,4,5, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Norton (3,290,083).

Norton (3,290,083) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (9,11), a pair of first loops (7,7) (Fig. 12) equal length extending outwardly in a first direction from the central area, and a pair of second loops (30,31) (Fig. 12) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4-6 and 18, Norton (3,290,083) shows a first continuous strap (7,30) (Fig. 12) having one first loop and one second loop and a second continuous strap (7,31) having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

9. Claims 1,2,4,6,8,10, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Otley (2,985,480).

Otley (2,985,480) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (see Figs. 1-3), a pair of first loops (10) equal length

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extending outwardly in a first direction from the central area, and a pair of second loops (12) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4-6 and 18, Otley (2,985,480) shows a first continuous strap (Fig. 8) having one first loop and one second loop and a second continuous strap having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

Re claims 8 and 10, Otley's strap (2,985,480) shows a single continuous belt (see Figs. 1-3,6, and 7) providing two equal loops.

10. Claims 1,4,8-11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Colombet (the France WO 98/01188).

Colombet (the France WO 98/01188) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (see Fig. 2), a pair of first loops (21,18) substantially equal length extending outwardly in a first direction from the central area, and at least one second loops (17) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4-6 and 18, Colombet shows a first continuous strap (Fig. 8) having one first loop and one second loop and a second continuous strap having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

Re claims 8 and 10, Colombet shows a single continuous belt (see Figs. 1-3,6, and 7) providing two equal loops.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3,7,12-17,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (4,045,072) or Norton (3,290,083) or Otley (2,985,480).

Brown's strap (4,045,072), as presented in section 7 above, or Norton's strap (3,290,083), as presented in section 8 above, or Otley (2,985,480), as presented in section 9 above, does not show the detailed dimension of the strap (i.e. the length and width of the strap: such as 3 ½ inches width or 2 inches width, the ratio lengths of the first and second loops are to be between 2:1 and 6:1, and between 20 to 36 inches). However, it would have been obvious design choice to those skilled in the art to provide the desired dimension of the strap (depending on the application) on the Brown's strap (4,045,072) or Norton's strap (3,290,083) or Otley (2,985,480) to meet the application.

Re claim 7, Brown's strap (4,045,072) or Norton's strap (3,290,083) or Otley (2,985,480), does not show the colorful straps and it also would have been obvious design choice to those skilled in the art to provide the desired color, which is well-known in the art, on the Brown's strap (4,045,072) or Norton (3,290,083) or Otley (2,985,480) to identify the loop by color.

Re claim 17, Brown's strap (4,045,072) or Norton's strap (3,290,083) or Otley (2,985,480), does not show the strap being folded for carrying and it also would have

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been obvious design choice to those skilled in the art to fold the strap and carry the strap for storage or transportation.

Re claim 20, Brown's strap (4,045,072) or Norton's strap (3,290,083) does not show that the loops are joined by stitching and it also would have been obvious design choice to those skilled in the art to stitch the loops so that the first loop and the second loop could be securely connected.

13. Claims 3,12-17,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colombet (the France WO 98/01188).

Colombet (the France WO 98/01188), as presented in section 10 above, does not show the detailed dimension of the strap (i.e. the length and width of the strap: such as 3 ½ inches width or 2 inches width, the ratio lengths of the first and second loops are to be between 2:1 and 6:1, and between 20 to 36 inches). However, it would have been obvious design choice to those skilled in the art to provide the desired dimension of the strap (depending on the application) on the Colombet's strap to meet the application.

Re claim 17, Colombet's strap does not show the strap being folded for carrying and it also would have been obvious design choice to those skilled in the art to fold the strap and carry the strap for storage or transportation.

Re claim 20, Colombet's strap does show that the loops are joined by stitching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

A handwritten signature in black ink, appearing to read "Paul T. Chin". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Chin".

PAUL T. CHIN
Examiner
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PTC
December 12, 2003